

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 4:08CR00697 ERW
	)	
EVERETTE SIMMONS,	)	
	)	
Defendant.	)	


**MEMORANDUM AND ORDER**

This matter comes before the Court on the Report and Recommendation of United States Magistrate Judge David D. Noce, pursuant to 28 U.S.C. § 636(b)(1) [doc. #57]. The Report recommends that Defendant's Motion for Severance [doc. #50] be denied. The Court notes that no objections were filed to the Report and Recommendation. The Court concludes that the Magistrate Judge's findings were correct, and therefore adopts the Magistrate Judge's findings of facts and conclusions of law.

Accordingly,

**IT IS HEREBY ORDERED** that Defendant's Motion for Severance [doc. #50] is **DENIED**.

Dated this 22nd Day of April, 2009.

  
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E. RICHARD WEBBER  
UNITED STATES DISTRICT JUDGE